

WILLIAMSBURG CITY COUNCIL
JUNE 10, 2004
MINUTES

The Williamsburg City Council held its regular monthly meeting on June 10, 2004, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Hudson, Nester, Serra, Yost, Weiler, and Walentisch. Ms. Miller was absent.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Houghland said he would recuse himself from approving the minutes of May 10, because he was absent for that meeting. Mayor Zeidler asked that Ms. Crist correct May 10, 2004, Minutes, the last sentence in the second paragraph on page 3, City Council Communications, to read "Mayor Zeidler will give the suggestions from the Williamsburg Area Performing Arts Committee for the Scope of Work to Mr. Tuttle for review."

Mr. Haulman Moved Approval of the City Council Minutes of May 10, 2004 As Corrected, and the Minutes of May 13, 2004. The Motion Was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland (abstained from voting on the Minutes of May 10, 2004), Tabb

No: None

SPECIAL PRIVILEGE

Commendation and Appreciation for Council Member Tabb, Resolution #04-11

Mayor Zeidler noted with regret that this was the last official meeting of Council members Vice-Mayor Houghland and Council Member Tabb. Prior to the meeting, a farewell lunch, followed by a brief public reception, was held in their honor.

Mayor Zeidler said it was an honor and privilege to work with Mr. Tabb, to get to know him, and to see his interactions with citizens and the community. He is conscientious and diligent, and has kept the interest of the public foremost in his mind. Mr. Tabb attended many events as a Council representative, and represented Council with dignity and as a gentleman. She recognized Mrs. Viola Tabb for her support of Mr. Tabb.

Mayor Zeidler proclaimed the adoption of the resolution recognizing Mr. Tabb's service on City Council and presented him with the framed resolution (see attached).

Mr. Tabb thanked the Mayor and his colleagues, and said it was a privilege and honor to have served on Council for the last four years, and that he enjoyed working with his

colleagues on Council. He intends to stay in Williamsburg. He felt that the hospitality industry that he worked in for many years helped him to be a better City Council member. He thanked the citizens that voted for him and for their support to this day. He also noted the time spent working with former members Channing Hall and George Genakos and appreciated their support.

Commendation and Appreciation for Vice-Mayor Houghland, Resolution #04-12

Mayor Zeidler commented that Mr. Houghland had played an important role in the city and has given many years of service to City Council, fourteen years on the ARB and then eight years on the Planning Commission. Mr. Houghland performed with great dignity, integrity, skepticism, challenged conventional wisdom, and at times with wit and humor. The Mayor noted the presence of Mrs. Sarah Houghland who was a source of strength to Mr. Houghland. He made a difference to Williamsburg in the way it looks and the way it operates and functions.

Mayor Zeidler proclaimed the adoption of the resolution recognizing Mr. Houghland's service on City Council and presented him with the framed resolution (see attached).

Mr. Houghland read his prepared comments regarding his tenure on Council (see attached).

Resolution of Recognition and Appreciation for Joseph Phillips on the Occasion of his Thirty-Year Anniversary as City Attorney

Mayor Zeidler said it was a special privilege to add this item to the agenda. Mr. Phillips has been the City Attorney for 30 years this month. He has given careful, thoughtful advice to City Council that is very valuable, and makes himself available to the Council members and city staff. This Council and previous Councils and City Managers, appreciate Mr. Phillips for what he has done for Council, the city and its citizens. He has the respect of everyone in this community, which is an accomplishment, and he will be remembered and go down in history as one of the few attorneys to have beat Wal-Mart in court!

Mayor Zeidler read and presented the resolution to Mr. Phillips, recognizing his 30th anniversary as the City Attorney (see attached). She noted that his wife Joan and law partners were present.

Mr. Phillips said he was very surprised. It has been a privilege and pleasure to represent the City of Williamsburg. Local government attorneys have the ability to look back and occasionally feel that they may have done something of significance for the larger population, and it is a privilege to represent the city.

PUBLIC HEARING

VAC #04-001: Request of Capitol Landing Hotel Associates LLC to Relocate A Portion of Woods Drive Between the Proposed Hampton Inn at 911 Capitol Landing Road and the Colonel Waller Motel at 917 Capitol Landing Road, Proposed Ordinance #04-13

Reference for this item was Mr. Nester's report dated June 10, 2004. Using an overhead map, Mr. Nester explained that Capitol Landing Hotel Associates is requesting to relocate a fifteen-foot portion of Woods Drive right-of-way ten feet to the north, between the proposed Hampton Inn and the Colonel Waller motel, in order to provide better circulation for the proposed Hampton Inn and to better-fit Woods Drive. Mr. Nester explained this original

proposal to relocate the street would provide the required 15-foot landscape buffer beside the Hampton Inn and preserve several large trees. The relocated right-of-way would more closely approximate the way people drive on the street. An alternate proposal would widen the existing 15-foot right-of-way to 18 feet, with a five foot landscaped median between the Woods Drive right-of-way and the Colonel Waller Motel parking lot. It would require a waiver of the 15-foot landscape area between Woods Drive and the proposed Hampton Inn parking lot, requires a waiver of driveway width adjacent to Colonel Waller, and requires removal of a large 72" oak tree. Mr. Nester noted that when a street right-of-way is relocated, a public hearing is required in accordance with State Code.

Mr. Nester suggested that Council defer a decision on this request until the August 12 meeting, and that this matter be referred to the Planning Commission for its recommendation on a preferred solution in conjunction with the review of the final site plan for the Hampton Inn. With that recommendation, he did not feel it was necessary to appoint viewers.

Mr. Houghland hoped the oak tree could be preserved since it was healthy. Mr. Nester said that the first alternate would preserve the tree, the second would remove it.

Mayor Zeidler opened the public hearing.

Steven Romeo, Principal, Landmark Design Group, offered to answer questions. He said the tree does warrant consideration. The property owner, Mr. Patel, was aware that the final site plan for the Hampton Inn would have to go to the Planning Commission on July 14.

Mr. Ratnam Patel, owner, said he hoped to be able to start construction within two months, so that the hotel could open by next Memorial Day weekend so as not lose the summer season.

Mayor Zeidler responded that this request would come back to Council in August, with the Planning Commission's approval of the site plan on July 14. Mr. Nester said that Mr. Patel may be able to begin the site work, pending the Woods Drive issue, but that would be the Planning Commission's decision.

No one else wished to speak. The hearing was closed.

Mr. Scruggs Moved That City Council Follow the Staff Recommendation that A Decision on This Request be Postponed Until the August 12 City Council Meeting, and That This Request Be Referred to Planning Commission For A Recommendation on the Preferred Solution in Conjunction with Review of the Final Site Plan for the Hampton Inn. The Motion Was Seconded by Mr. Haulman.

Mr. Nester and Council briefly discussed the parking lot layout and screening buffer within zoning requirements for the proposed Hampton Inn. The hotel footprint is preferred by the owner and has been approved by the ARB. Mr. Romeo addressed the building orientation and the challenges involved with the site.

Council members were pleased that Planning Commission would be looking at this matter again. Keeping the character of this charming and distinct community is important, as well as the Capitol Landing Corridor.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Mr. Tuttle commented that the reported figures through May were in the "black." The room, meal, and sales taxes fall in modest positive territory.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

City Manager Reports

Use of Sidewalks on Prince George Street, *Proposed Ordinance #04-12*

Reference for this item was Mr. Tuttle's report dated June 3, 2004. Mr. Tuttle said that last month Council received a copy of a draft ordinance regarding the use of a portion of the public sidewalk on the street for sidewalk cafes. Staff has since met with the business owners along the street that would be affected by the ordinance. The draft ordinance was revised to address issues resulting from the meetings. The area to be used for outdoor dining would be measured from the building wall and would extend to a point not closer than seven feet (eight originally proposed) from the back of the street curb, to allow for pedestrian access. Use of a menu board will be allowed (limited to a size of six square feet). The proposed ordinance outlined the restrictions to be imposed. The City Manager will issue permits for the use of the public right-of-way. Staff recommended the proposed ordinance be adopted.

Mr. Nester said he and Mr. Patterson spoke with business owners and discussed the options for the outdoor area and signage.

Mr. Tuttle said that after the construction project was completed on the street, all business owners that have outdoor cafes would have to come into compliance with the new ordinance. Signage and outdoor furniture must meet certain standards for quality, appearance, and durability. Mr. Houghland hoped that any barriers would be of low height. The proposed ordinance requires the business owner to have liability insurance, with the city named as an additional insured.

Mr. Scruggs appreciated that staff has talked with the business owners. This is a reasonable compromise. Council members were supportive of this ordinance. Mr. Haulman congratulated Mr. Nester and his staff for their work and he was pleased to see the city and businesses working together to come up with solutions agreeable to both parties.

Mr. Haulman Moved That City Council Adopt Proposed Ordinance #04-12, An Ordinance Amending Certain Sections of Chapter 15, Article I and Article III, of the Williamsburg City Code, by Adding Regulations for the Use of Sidewalks on Prince George Street between

North Henry and North Boundary Streets, to be Conformed and Approved With Editorial Changes as Noted by the City Attorney. The Motion Was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(See Attached Adopted Ordinance #04-12)

Five-Year Residential Refuse Collection Contract—Award of Bid

Reference for this item was Mr. Tuttle's report dated June 2, 2004, which included a copy of the proposals from BFI and Waste Management. Mr. Tuttle said that the City's existing refuse collection contract with Waste Management expires on July 1, 2004.

Mr. Clayton said proposals have been received from both Waste Management and BFI, and both are well qualified and have previously worked for the city. He explained the service options for collection, hauling, and disposal, and the costs involved. Staff recommended that the contract be awarded to BFI for the Type I full service option to include collection, hauling, and disposal, at a cost of \$17.22 per unit per month. The contract is for five years with renewal options. To maintain the existing level of service, the annual cost will increase approximately \$250,000. Staff also recommended that the Type II toter service system be investigated as a way to reduce the cost of refuse collection, and that a focus group from the Neighborhood Council be engaged to assist in making a recommendation for service. The results will be offered for Council's consideration at a later date.

Council members and Mr. Clayton discussed the large increase in cost of service, service options that are available, the costs and possible savings with options, and the percentage of residents that put refuse at curbside and those that utilize back yard pick up. Mr. Clayton noted that the five-year contract terms and costs are adjustable with the level of service. Currently 3100 units are picked up. Mayor Zeidler noted that the Neighborhood Council is willing to assist the city to receive citizen feedback about service options.

Responding to Mr. Haulman, Mr. Clayton explained the once-a-week toter service, container sizes, and pick-up options (curbside versus backyard pickup), and how hardship cases could be handled.

Mr. Clayton responded to Mr. Scruggs that if the city does not approve the contract today, service could continue as of July 1 by Waste Management at the new contract cost per month--\$22,000. Council members discussed that executing the contract with BFI does not limit the city's option of changing the type of service within the contract parameters. Any change in the type of service and cost could be negotiated.

Mr. Tuttle said that if the proposed contract is approved today, the city will not be at risk with regard to a cost that would not be acceptable. He was of the opinion that if the contract were re-bid, higher prices may be the result. His recommendation was to move ahead with the contract, with the option to change the level of service and cost. Mr. Houghland had confidence that the Manager would get the best contract for the city.

Mr. Houghland Moved That Council Authorize the City Manager to Execute the Contract with BFI Initially Using Option 1-B (Full-Service-Collect, Haul, Disposal) at a Cost of \$17.22/unit/month, and Further that the City Manager Be Authorized to Negotiate Between

the Brackets of Alternate Price that is Reasonable Based on the Service Options. The Motion Was Seconded by Mr. Haulman.

Mayor Zeidler noted that the Neighborhood Council Executive Committee was willing to give their time, thought and energy to this issue in a timely fashion. Mr. Scruggs stated that he would vote in favor of the contract. Mr. Haulman noted the issue of level of service versus the cost of service, and how the city will pay the costs. Mayor Zeidler noted that a \$.02 increase in the property tax rate would cover the increase in refuse collection costs at the current level of service.

Mr. Houghland called the question.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Council members suggested that citizens be alerted that their service provider will change as of July 1, but the level of service will not change. However, the city will be exploring other service options. If citizens have questions they can call 220-6140.

NEW BUSINESS

Appointments to Boards and Commissions

Reference for this item was Ms. Crist's report updating Council regarding appointments to boards and commissions.

Mr. Houghland Moved that City Council Approve the Following Reappointments:

James L. Kammert and John Tarley to the Industrial Development Authority for a Four-Year Term to Expire June 8, 2008; and

Kyra Cook, to the Williamsburg Arts Commission for a Three-Year Term to Expire June 30, 2007; and

Gwen Williams to the Finance and Audit Committee, for a Two-Year Term to expire June 30, 2006; and

Joe McCartney, Ben Altshuler, Fred R. Howard, and Frank Tillman to the Citizens Telecommunications Advisory Committee for a Two-Year Term to Expire June 30, 2006; and

William S. Parks to the Colonial Group Homes Commission for a Four-Year term to Expire June 30, 2008; and

*Recommend to the Circuit Court Judge that **Jay Colley and Dennis Cogle** Be Reappointed to the Board of Equalization for a One-Year Term to Expire June 30, 2005.*

The Motion was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb
No: None

Mayor Zeidler thanked all citizens that serve on boards and commissions. She noted that Mr. Richard Mahone, Mr. Ben Altshuler, and Mr. William Parks were present.

Planning Commission Interviews and appointments: Mayor Zeidler announced that City Council would meet on June 21 at 8:30 a.m. in the Municipal Building to interview applicants for appointment to the Planning Commission, and to consider appointments to the Board of Zoning Appeals and Board of Equalization. Both Council members-elect Chohany and Freiling were asked to sit in on the interviews. Council will interview for appointment to the Library Board and appoint a new member of the Arts Commission in August to allow the new Council members to be engaged in the process.

OPEN FORUM

Ben Altshuler, 222 Virginia Avenue, thanked Council for reappointing him to the Citizens Telecommunication Advisory Committee, and noted that the Committee still needed one more person to replace Mr. Ketchum. He addressed Council about his particular situation for garbage collection and hoped that citizens would have opportunity for feedback about service options. He suggested a flexible pick up schedule to provide for once a week in cool weather and twice a week during the hot months--June, July, and August.

No one else wished to speak. The session was closed.

The meeting adjourned at 4:00 p.m.

Approved: July 8, 2004

Shelia Y. Crist
Clerk of Council

Jeanne Zeidler
Mayor

Wright B. (Chips) Houghland's Parting Comments, June 10, 2004

My tenure on City Council has been a great joy to me. Nostalgia quickly grows old, so I will try to be brief with this swan song.

Some of the things I'm most grateful for are small: this beautifully designed new city seal is but one.

But most importantly, I am grateful to have worked with and gotten to know well the talented and dedicated heads of our city departments and their often under sung staff. Their hard work often goes unnoticed, making their efforts seem to be easy, but the truth is far from it. I am most grateful for their dedication to the city's success.

Just below the dais is the talented support team for City Council.

So with many thanks to:

Joe "Judge Dillon" Phillips who tactfully and with wisdom has often guided me from digging holes any deeper than would be my want.

Jack Tuttle who has been a good friend and also a subtle guide. We have not always agreed, but his logic and great experience have kept this Council on a strong agenda and the city in a healthy and robust stance. His leadership with all departments shines when the rain of problems seem overwhelming.

And to Shelia Crist, may I bow with gratitude for her tireless corralling of Council for meeting times and special events. Her minutes are almost faultless—only historians may fully appreciate her efforts. And she can nag us to rally with more tact than any politician.

To my friends on City Council, who have been most tolerant when my drumbeats are out of sync with the mainstream. The overarching dialogue of Council improves every year and these discourses have been intelligent, caring and, in the main, right on course.

And in our deliberations, which much too much I fear can consist of putting out forest fires, it is my fond hope that the 20 year test be put to these future discussions. You have heard me on this subject many times, and forgive me for this last repeat: plan, plan, plan ahead.

Last, my heartfelt thanks to the many people who have supported me and especially to Sarah without whose support and her extensive network of friends, I would never have held this office.